

**IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD**

(Special Original Jurisdiction)

WEDNESDAY, THE EIGHTEENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HONOURABLE SRI JUSTICE V.V.S.RAO

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WRIT PETITION No.10880 of 1999

Between:

Chittoor District Recognised English Medium Schools

Association (Regd. No.289/87), Office at D.No.424,

Bhavani Nagar, Tirupati, Chittoor District rep. by

its President.

..... PETITIONER

AND

1. The Director of School Education,

Government of Andhra Pradesh,

Hyderabad.

2. The Regional Joint Director of School Education,

Cuddapah.

3. The District Educational Officer, Chittoor.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any writ or direction or order, more particularly in the nature of writ of mandamus directing the Respondents to strictly adhere to the rules framed under G.O. Ms. No.1, Education (P.S.2), dt.1.1.1994 and grant recognition to new Schools for a period of 5 years and renew the same for the period of 5 years as per Rule 9 and direct the Respondents to release the corpus fund to the management of the Schools for purchase of furniture, equipments etc., as per Rule 5 to the needy

Schools and restrain the Respondents from insisting upon deposit of Endowment Fund in cases other than the one's covered by Rule 5, namely, in case of grant of new recognition to Schools and upgradation of existing schools.

Counsel for the Petitioner: MR.K.S.GOPALA KRISHNAN

Counsel for the Respondent Nos.1 to 3: GP FOR SCHOOL EDUCATION

The Court made the following :

ORDER:

Chittoor District Recognised English Medium Schools Association (the Association, for brevity) seeks a writ of Mandamus directing the respondents, namely, the Director of School Education, Hyderabad, the Regional Joint Director of School Education, Kadapa and the District Educational Officer, Chittoor to adhere to the A.P. Educational Institutions (Establishment, Recognition, Administration and Control of Schools under Private Management) Rules, 1983 (hereinafter called 'the Rules') issued and promulgated vide orders of the Government in G.O. Ms. No.1 dated 1.1.1994. They also seek direction to the respondents to grant recognition to the new Schools for a period of five years and renew such recognition for a period of five years as per Rule 9 of the Rules, and further direct the respondents to release the corpus fund to the Management of the Schools as per Rule 5 of the Rules.

It is the case of the Association that all of them have been permitted to establish the Schools at the time of making application for permission, they have deposited corpus fund of Rs.25,000/- each for Primary School or Pre-Primary School or Secondary School and that the Schools have also been recognized. It is their further case that when they made applications to the District Educational Officer for refund of Endowment fund as per Rule 5 (1) of the Rules purporting to act under instructions issued by the first respondent, the third respondent is refusing to release Endowment Fund and that when they applied for renewal of recognition, the third respondent is granting recognition for a period of one year contrary to Rule 9 (5) of the Rules, which stipulates the renewal for five academic years. Therefore, they filed the writ petition.

The writ petition is of general in nature. No specific instance where the District Educational Officer refused to release the Endowment Fund or refused to grant renewal of recognition for a period of five years has been brought to the notice of this Court. Therefore, this Court is not inclined to pass general order as prayed for. However, it is open to the members of the petitioner Association to make a specific request to the District Educational Officer for release of Endowment Fund. As and when such an application is made, the District Educational Officer, Chittoor shall pass orders in accordance with law.

If the members of the petitioner Association are aggrieved by the same, they can file an appeal under the provisions of the A.P. Education Act, 1982 and thereafter, if necessary, approach this Court. This shall equally apply to their grievance regarding renewal of recognition under Rule 9 (5) of the Rules. In this writ petition, no relief

however can be granted to the petitioner.

The writ petition, with the above observations and directions, is dismissed. No costs.

Date : August 18, 2004. **V.V.S. RAO, J**

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ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Director of School Education,
Government of Andhra Pradesh,
Hyderabad.
2. The Regional Joint Director of School Education,
Cuddapah.
3. The District Educational Officer, Chittoor.
4. Two CCs to the Government Pleader for School Education,
High Court of Andhra Pradesh, Hyderabad (O.U.T)
5. Two CD copies.